

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA,

Plaintiff,

vs.

SATICOY BAY LLC SERIES 164 GOLDEN
CROWN; *et.al.*,

Defendants.

Case No. 2:16-cv-124-JCM-VCF

ORDER

Before the court are counter-claimant Saticoy Bay's motion for leave to amend (ECF No. 25) and defendant Paradise Hills Landscape Maintenance Association, Inc.'s response (ECF No. 26). For the reasons stated below, Saticoy Bay's motion is granted.

I. Background

"A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if: in that person's absence, the court cannot accord complete relief among existing parties; or that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may as a practical matter impair or impede the person's ability to protect the interest; or leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest." FED. R. CIV. P. 19(a).

"Persons ... may be joined in one action as defendants if: any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and any question of law or fact common to all defendants will arise in the action." FED. R. CIV. P. 20(a)(2).

1 Saticoy Bay moves to add Homeowner Association Services, Inc. as a defendant in this action.
2 (ECF No. 25). Saticoy Bay alleges that the Association was the foreclosure agent for defendant Paradise
3 Hills. Saticoy Bay further alleges that neither Paradise Hills nor the Association informed it that
4 plaintiff Bank of America tendered the super-priority lien amount during foreclosure proceedings.
5 Saticoy Bay's proposed claims against Paradise Hills and the Association arise from this occurrence.
6 (*Id.*)

7 Under Federal Rule of Civil Procedure 20, a person may be joined as a defendant if the claims
8 asserted against him arise out of the same transaction or occurrence and there is a common question of
9 law or fact among all the defendants. Here, the Association satisfies the Rule 20 requirements for
10 permissive joinder. Saticoy Bay's claims against the Association arise out of the alleged tendering of
11 the super-priority lien amount and there is a common question of law regarding the legal effect of the
12 alleged tender. Homeowner Association Services, Inc. is added as a defendant in this action.

13 "A party may amend its pleadings once as a matter of course within: 21 days after serving it" or
14 21 days after service of a responsive pleading or Rule 12(b), (e) or (f) motion. FED. R. CIV. P. 15(a). "In
15 all other cases, a party may amend its pleading only with the opposing party's written consent or the
16 court's leave. The court should freely give leave when justice so requires." FED. R. CIV. P. 15(a)(2).

17 Saticoy Bay proposes to bring four claims against Paradise Hills and the Association arising out
18 of the alleged tender of the super-priority lien amount. (ECF No. 25) Paradise Hills's opposition
19 focuses on the purported legal deficiencies of Saticoy Bay's proposed claims. (ECF No. 26) These
20 arguments are more appropriate for a motion to dismiss. Since the court must "freely give leave" to
21 amend, Saticoy Bay's request to add its proposed claims against Paradise Hills and the Association is
22 granted.
23

24 ACCORDINGLY, and for good cause shown,
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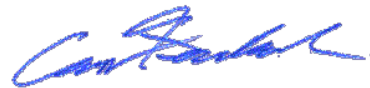
1 IT IS HEREBY ORDERED that Saticoy Bay's motion to amend (ECF No. 25) is GRANTED.

2 IT IS FURTHER ORDERED that Homeowner Association Services, Inc. is added as a defendant.

3 IT IS FURTHER ORDERED that Saticoy Bay may FILE its proposed cross-claims (ECF No. 25-
4 2) against Paradise Hills Landscape Maintenance Association, Inc. and Homeowner Association Services,
5 Inc., on or before March 20, 2017.

6 IT IS SO ORDERED.

7 DATED this 9th day of March, 2017.

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10 CAM FERENBACH
11 UNITED STATES MAGISTRATE JUDGE
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